

1 BILL NO. Z-94-05-06  
2

3 ZONING MAP ORDINANCE NO. Z-Lash.  
4

5 AN ORDINANCE amending the City of  
6 Fort Wayne Zoning Map No. S-10.  
7

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
9 WAYNE, INDIANA:

10 SECTION 1. That the area described as follows is hereby  
11 designated an RA (Suburban Residential) District under the  
12 terms of Chapter 157 Title XV of the Code of the City of Fort  
13 Wayne, Indiana of 1974:

14 PARCEL NO. 1

15 Part of Lot 1 of a Subdivision of the Fractional Section  
16 5, Township 30 North, Range 13 East, in Allen County,  
17 Indiana, as recorded in Deed Record Book 31, page 436, in  
18 the Office of the Recorder of said Allen County, and in  
19 particular described as follows, to-wit: Commencing on  
20 the north line of said lot at a point situated 8.50  
21 chains east of the northwest corner of said lot; thence  
22 running east on the line aforesaid 105.0 feet; thence  
23 south and parallel to the west line of said lot a  
24 distance of 225.0 feet; thence west and parallel to the  
25 north line of said lot a distance of 105.0 feet; thence  
26 North 225.0 feet to the place of beginning, containing  
27 0.54 acres of land.

28 PARCEL NO. 2

29 Part of Lot 1 of a Subdivision of the Fractional Section  
30 5, Township 30 North, Range 13 East, in Allen County,  
31 Indiana, as recorded in Deed Record Book 31, page 436, in  
32 the Office of the Recorder of said County, and in  
33 particular described as follows, to-wit: Commencing on  
34 the north line of said lot at a point situated 666.0 feet  
35 east of the Northwest corner of said lot; thence running  
36 east on the line aforesaid 100.0 feet; thence south and  
37 parallel to the west line of said lot a distance of 190.0  
38 feet; thence west and parallel to the north line of said  
39 lot a distance of 100.0 feet; thence north 190.0 feet to  
40 the place of beginning, containing 0.436 acre of land.

41 PARCEL NO. 3

42 Part triangular in form of Lot 36 of the Plat of  
43 Greenvale Addition, as recorded in Plat Book 21, page 131  
44 in the Office of the Recorder of Allen County, Indiana  
45 and in particular described as follows, to-wit:  
46 Commencing on the north line of said lot at a point 145  
47 feet west of the east corner thereof; thence running west  
48 on the aforesaid line 100 feet to the northwest corner of  
49 said lot; thence south on the west line of said lot a  
50 distance of 35 feet to the southwest corner of said lot;  
51 thence northeastward 105.95 feet to the place of  
52 beginning.

1  
2 and the symbols of the City of Fort Wayne Zoning Map No. S-10,  
3 as established by Section 157.016 of Title XV of the Code of  
4 the City of Fort Wayne, Indiana are hereby changed  
5 accordingly.

6  
7  
8 SECTION 2. That this Ordinance shall be in full force  
9 and effect from and after its passage and approval by the  
10 Mayor.

  
\_\_\_\_\_  
Mark E. G. Quinta

Councilmember

12 APPROVED AS TO FORM AND LEGALITY:

13   
\_\_\_\_\_  
14 J. TIMOTHY McCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Sandra E. Kennedy,  
and duly adopted, read the second time by title and referred to the  
Committee on Regulations (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne, Indiana, on 19, the 19 day of  
M., E.S.T. o'clock

DATED: 5-10-94

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury,  
and duly adopted, placed on its passage. PASSED LOST  
by the following vote:

|             | AYES | NAYS | ABSTAINED | ABSENT |
|-------------|------|------|-----------|--------|
| TOTAL VOTES |      | 5    |           | 4      |
| BRADBURY    |      | ✓    |           |        |
| EDMONDS     |      | ✓    |           |        |
| GIAQUINTA   |      |      |           | ✓      |
| HENRY       |      |      |           | ✓      |
| LONG        |      | ✓    |           |        |
| LUNSEY      |      | ✓    |           |        |
| RAVINE      |      |      |           | ✓      |
| SCHMIDT     |      |      |           | ✓      |
| TALARICO    |      | ✓    |           |        |

DATED: 6-14-94

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO.

on the 19 day of June, 1994

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 19 day of June, 1994,  
at the hour of 12:00 o'clock M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 19 day of June, 1994,  
at the hour of 12:00 o'clock M., E.S.T.

PAUL HELMKE, MAYOR

**RECEIPT**

No 14927

COMMUNITY &amp; ECONOMIC DEVELOPMENT

FT. WAYNE, IN.,

4-21 1994

RECEIVED FROM

Bradford Pepple

\$

100.00

THE SUM OF

One hundred 00/

DOLLARS

ON ACCOUNT OF

revenue B1 to RA

100

460

4512 Lake Ave

JAPP

PAID BY: CASH  CHECK  M.O. 

AUTHORIZED SIGNATURE

## PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

I/We \_\_\_\_\_

BRADFORD D. PEPPLE

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an R-A FOR PUPLEX District the property described as follows:

SEE ATTACHED

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

4512 LAKE AVE

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

FRED J. KATTAN

4512 LAKE AVE  
(9622 GREENMOOR, NEW HAVEN)

Fred J. Kattan

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission.

Name and address of the preparer, attorney or agent.

BRADFORD D. PEPPLE

(Name)

9024 BRADENTON PL 46835

(Address &amp; Zip Code)

485-2761

(Telephone Number)

COMMUNITY AND ECONOMIC DEVELOPMENT / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

PARCEL NO. 1

Part of Lot 1 of a Subdivision of the Fractional Section 5, Township 30 North, Range 13 East, in Allen County, Indiana, as recorded in Deed Record Book 31, page 436, in the Office of the Recorder of said Allen County, and in particular described as follows, to-wit: Commencing on the north line of said lot at a point situated 8.50 chains east of the northwest corner of said lot; thence running east on the line aforesaid 105.0 feet; thence south and parallel to the west line of said lot a distance of 225.0 feet; thence west and parallel to the north line of said lot a distance of 105.0 feet; thence North 225.0 feet to the place of beginning, containing 0.54 acres of land.

PARCEL NO. 2

Part of Lot 1 of a Subdivision of the Fractional Section 5, Township 30 North, Range 13 East, in Allen County, Indiana, as recorded in Deed Record Book 31, page 436, in the Office of the Recorder of said County, and in particular described as follows, to-wit: Commencing on the north line of said lot at a point situated 666.0 feet east of the Northwest corner of said lot; thence running east on the line aforesaid 100.0 feet; thence south and parallel to the west line of said lot a distance of 190.0 feet; thence west and parallel to the north line of said lot a distance of 100.0 feet; thence north 190.0 feet to the place of beginning, containing 0.436 acre of land.

PARCEL NO. 3

Part triangular in form of Lot 36 of the Plat of Greenvale Addition, as recorded in Plat Book 21, page 131 in the Office of the Recorder of Allen County, Indiana and in particular described as follows, to-wit: Commencing on the north line of said lot at a point 145 feet west of the east corner thereof; thence running west on the aforesaid line 100 feet to the northwest corner of said lot; thence south on the west line of said lot a distance of 35 feet to the southwest corner of said lot; thence northeastward 105.95 feet to the place of beginning.

ZOHRAK K. TAZIAN, P.E. & L.S.  
 JOHN C. SAUER, L.S.  
 SAM L. FAUST, L.S.

**zk tazian**  
 ASSOCIATES, INC.  
 345 WEST WAYNE STREET  
 SUITE 202  
 FORT WAYNE, INDIANA 46802  
 PHONES: 219/424-3232  
 219/424-3234 FAX



## CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

### DESCRIPTION OF REAL ESTATE

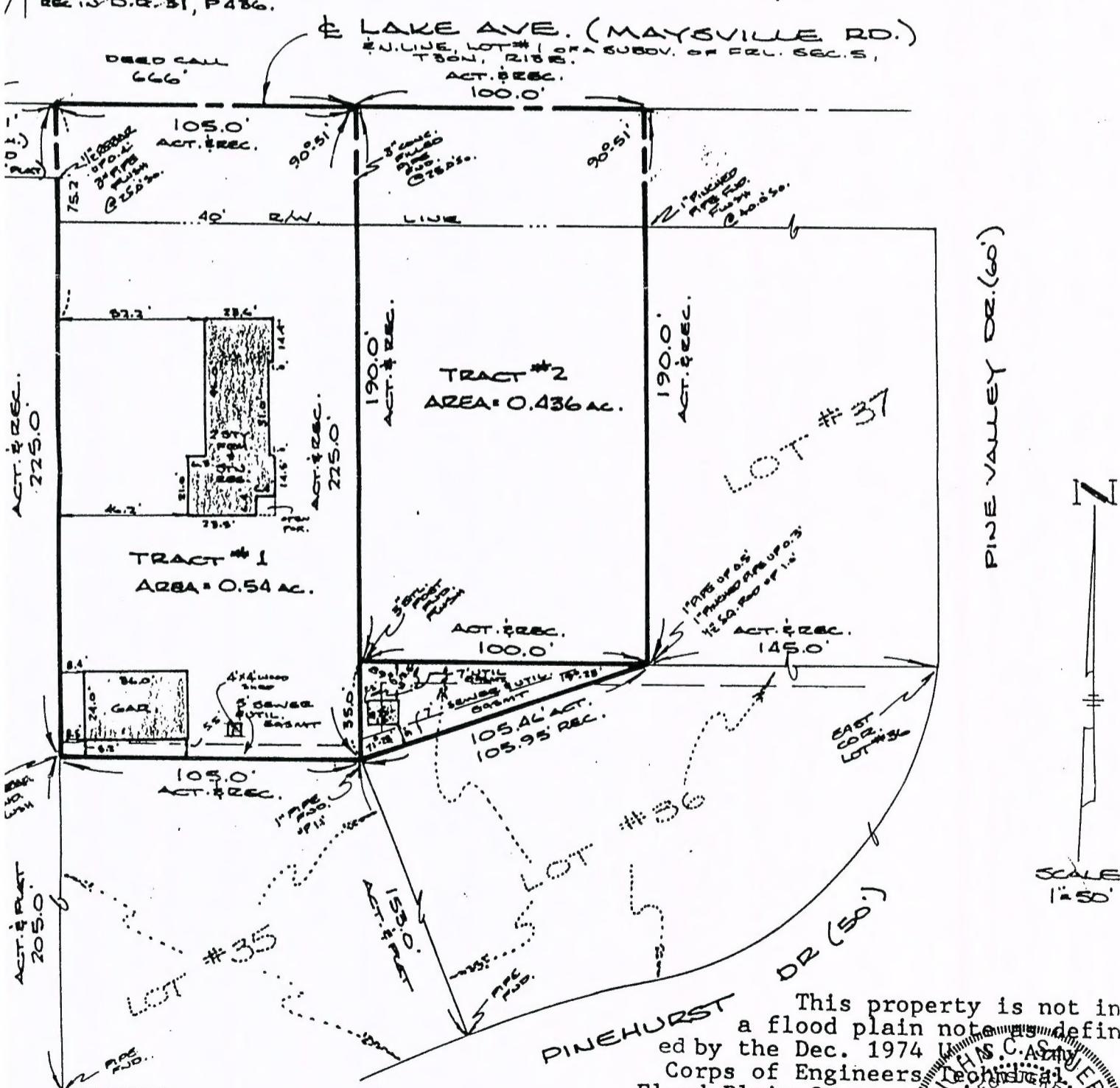
See Page 2 for Description.

RECERTIFIED FOR: VILLAVICENCIO 8-9-77  
 ALL CORNERS FOUND & FLAGGED

RECERTIFIED FOR: KATTAU 7-31-91  
 ALL CORNERS LOCATED & MARKED.

N.W.COR. LOT #1  
 OF A SUBDIVISION OF  
 THE FRACTIONAL SEC.  
 S, TBON, RIBS. 48  
 REC. IN D.R.BI, P4BG.

This property is in Zone X, outside the 500 year flood limits, according to Flood Insurance Rate Map No. 18003C0280 D, effective September 28, 1990.



I hereby certify on the 9th day of June, 1976 that the above survey is correct.

Surveyed for: Martin

Survey No.: EA-110

No. S0364



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on May 10, 1994 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-94-05-06; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 16, 1994.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual an unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 23, 1994.

Certified and signed this  
24th day of May 1994.



---

Carol Kettler Sharp  
Secretary

*X54*

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 4512 Lake Avenue

2-94-05-06

EFFECT OF PASSAGE Property is currently zoned R-1 - Single Family Residential. Property will be rezoned to RA - Suburban Residential.

EFFECT OF NON-PASSAGE Property will remain zoned R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE) \_\_\_\_\_

**FACT SHEET**

Z-94-05-06

BILL NUMBER

**Division of Community Development & Planning**

| BRIEF TITLE          | APPROVAL DEADLINE | REASON |
|----------------------|-------------------|--------|
| Zoning Map Amendment |                   |        |
| From R-1 to RA       |                   |        |

| DETAILS  | POSITIONS  | RECOMMENDATIONS  |
|--|--|--|
| Specific Location and/or Address<br><br>4512 Lake Avenue   | Sponsor  | City Plan Commission   |
| Reason for Project<br><br>Convert existing structure into a duplex.  | Area Affected  | City Wide<br><br>Other Areas   |
| Discussion (Including relationship to other Council actions)<br><br><u>16 May 1994 - Public Hearing</u><br><br>Thomas Eugene Smith, 2813 Woodhollow Trail appeared before the Commission for the petitioner. Mr. Smith stated that Mr. Pepple, the petitioner, had asked him to appear at the meeting. He stated the purpose of the rezoning request would be to use the property for a duplex.<br><br>There was no one else who spoke in favor of or in opposition to the proposed rezoning.<br><br><u>23 May 1994 - Business Meeting</u><br><br>Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.<br><br>Of the seven (7) members present, six (6) voted in favor of the motion. The Chair did not vote..<br><br>Motion carried. | Applicants/<br>Proponents                            | Applicant(s)<br>Bradford Pepple<br>City Department<br><br>Other  |
|  | Opponents  | Groups or Individuals<br><br>Basis of Opposition   |
|  | Staff<br>Recommendation                              | <input type="checkbox"/> For <input checked="" type="checkbox"/> Against<br><br>Reason Against<br>-approval would not be consistent with current development in the area   |
|  | Board or<br>Commission<br>Recommendation             | By<br><br><input type="checkbox"/> For <input checked="" type="checkbox"/> Against<br><input type="checkbox"/> No Action Taken<br><br><input type="checkbox"/> For with revisions to conditions<br>(See Details column for conditions) |
|  | CITY COUNCIL<br>ACTIONS<br>(For Council<br>use only) | <input type="checkbox"/> Pass <input type="checkbox"/> Other<br><input type="checkbox"/> Pass (as<br>amended) <input type="checkbox"/> Hold<br><input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass              |

**DETAILS**

Members Present: Ernest Evans, James Hoch, Charles Layton, Thomas Quirk, Dave Ross, Mel Smith, Vicky VerPlanck

Members Absent: Mark GiaQuinta, Carol Kettler Sharp

**POLICY/PROGRAM IMPACT**

|                               |                             |                              |
|-------------------------------|-----------------------------|------------------------------|
| Policy or Program Change      | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
|                               |                             |                              |
|                               |                             |                              |
|                               |                             |                              |
| Operational Impact Assessment |                             |                              |
|                               |                             |                              |
|                               |                             |                              |
|                               |                             |                              |

(This space for further discussion)

**Project Start**                              Date    21 April 1994

**Projected Completion or Occupancy**      Date    24 May 1994

**Fact Sheet Prepared by**                      Date    24 May 1994  
Patricia Biancaniello

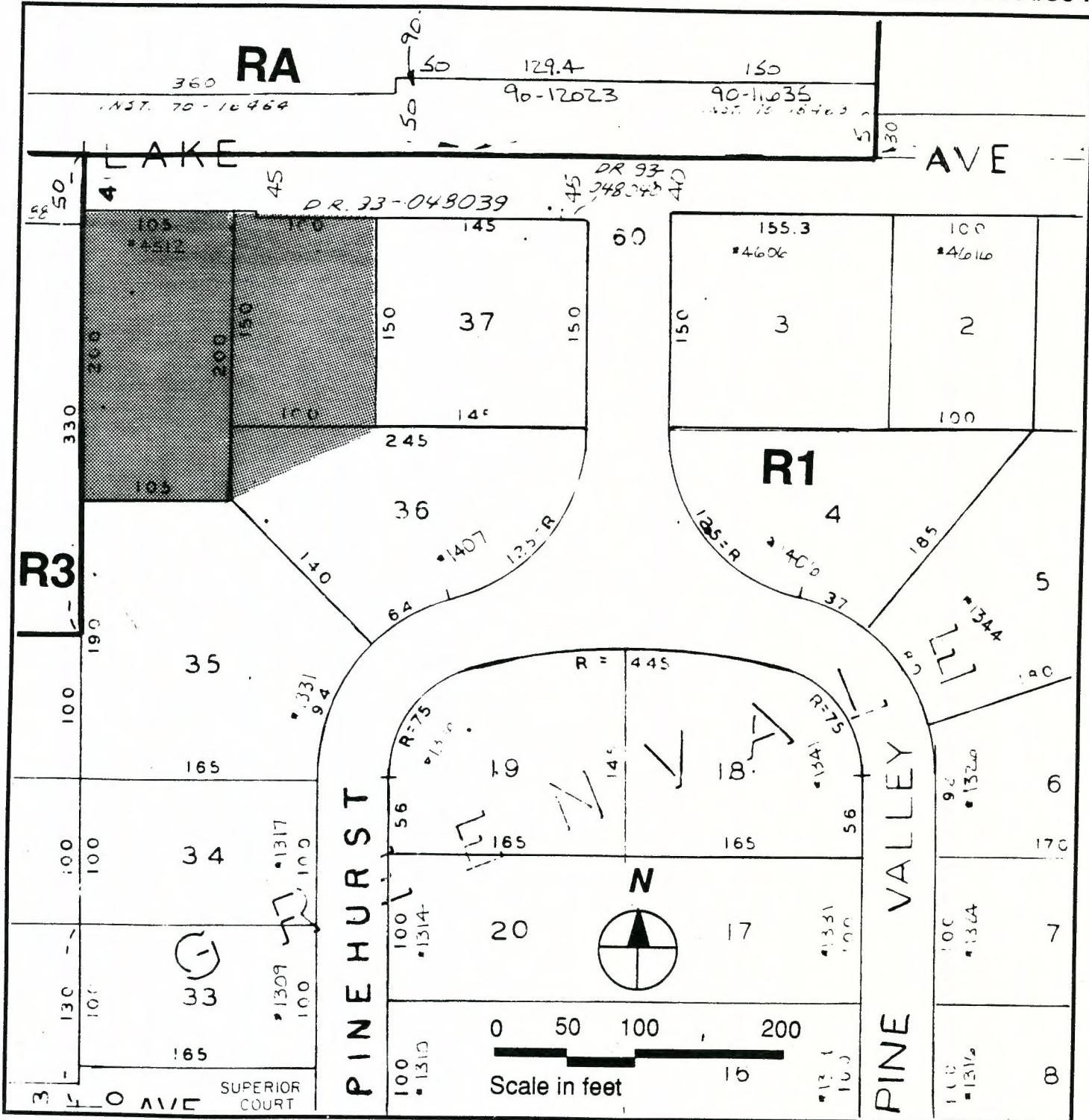
**Reviewed by**                                  Date    5/25/94  


**Reference or Case Number**

ZONING PETITION

## **AREA MAP**

**CASE NO. #564**



## COUNCILMANIC DISTRICT NO. 1

Map No. S-10  
LW 4-22-94

|              |                   |            |                              |            |                    |
|--------------|-------------------|------------|------------------------------|------------|--------------------|
| <b>R1</b>    | One-Family        | <b>B1</b>  | Limited Business             | <b>M1</b>  | Light Industrial   |
| <b>R2</b>    | Two-Family        | <b>B2</b>  | Planned Shopping Center      | <b>M2</b>  | General Industrial |
| <b>R3</b>    | Multi-Family      | <b>B3</b>  | General Business             | <b>M3</b>  | Heavy Industrial   |
| <b>RA/RB</b> | Residential       | <b>B4</b>  | Roadside Business            | <b>MHP</b> | Mobile Home Park   |
| <b>PUD</b>   | Planned Unit Dev. | <b>POD</b> | Professional Office District |            |                    |

BILL NO. Z-94-05-06

REPORT OF THE COMMITTEE ON  
REGULATIONS  
REBECCA J. RAVINE - MARK E. GIAQUINTA - CO-CHAIR  
DONALD J. SCHMIDT  
JANET G. BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (RESOLUTION) \_\_\_\_\_

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (RESOLUTION) \_\_\_\_\_

DO PASS      DO NOT PASS      ABSTAIN      NO REC

*Rebecca J. Ravine*  
*Mark E. Giacinta*  
*Janet G. Bradbury*

DATED: 6-14-94

Sandra E. Kennedy  
City Clerk